

NAME & GENDER CHANGE GUIDE FOR OHIO RESIDENTS

DISCLAIMER: This guide provides information about the legal and administrative steps associated with changing one's name and gender on identity documents. Please note that specific steps may have changed since this guide was printed, and every individual may have unique name and gender change needs. This guide is to be used as a resource only and does not constitute legal advice.

Need further assistance? Come to the

EQUITAS HEALTH NAME & GENDER CHANGE LEGAL CLINIC

Equitas Health holds a regular Name & Gender Change Legal Clinic to assist clients navigating the name and gender change process. For more information or to find out about the next clinic, please visit equitashealth.com/legalclinic or call 614-340-6729.



INTRODUCTION

This guide provides an outline for Ohio residents who wish to change their name or gender marker on identity documents and other records. Listed below are the most common steps taken to make these changes in Ohio. For most clients, we recommend pursuing these steps in the order listed, but some clients may have unique needs or goals that require a different approach.

We encourage clients to attend the Name & Gender Change Legal Clinic to discuss their specific situation and goals. We know this can be a daunting process, and we are happy to guide clients through the name and gender change steps. Call us at 614-340-6744, visit our website at equitashealth.com/legalclinic, or visit any Equitas Health location for more information.

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I. GETTING A COURT ORDER FOR NAME CHANGE

The first step in changing your name in Ohio is to apply for a court order recognizing your name change. This involves:

- filing an "Application for Change of Name" in the Probate Court of the county you live in;
- publishing notice of your application in a newspaper of general circulation in your county; and
- attending a hearing about your application in the Probate Court.

A. Application for Change of Name

1. Where to File

Your application for name change must be filed in the Probate Court in the county where you live. **You must have been a resident of that county for at least one continuous year before filing.**¹

2. What to File

In general, you will need all of the following:

- 1) **Completed Application for Change of Name.**
- 2) **Valid (unexpired) identification**, like a current driver's license, ID card, or passport.
- 3) **Proof of residency for the past year**, like current ID with your current address, a lease, rental agreement, utility bill— anything proving you've lived there for at least one year.
- 4) **Filing fee.** This varies from county to county.

Some probate courts have specific forms and/or requirements for changing your name. **Look for your county's requirements on our county information sheet or the probate court's website for your county's probate court and call the clerk's office.** Some questions to consider:

- what exact documents must you file and how many copies you must file;
- whether you must include a certified copy of your current birth certificate;
- the amount of the filing fee; and
- how to obtain additional certified copies of the court order.

General tips for every county:

- You must sign the Application for Change of Name with your current legal name. Use your full middle name instead of your middle initial.

¹ Ohio Revised Code § 2717.01(A)(1).

- You are required to list reasons for your name change. We suggest: “This is my preferred name and I want to obtain proper identification.”

B. Publication

You must publish notice of your name change application in a “newspaper of general circulation” in the county you live in.² The notice must be published at least 30 days before your hearing. The notice must contain the name of the court you filed your application in, the case number, and the date and time of the hearing.³

If you file in person, ask the clerk for the form needed to send to the newspaper. Also ask what is required to prove that the notice was actually published. Some courts will take care of the publication requirement on your behalf. The court staff will let you know if that is the case in your county.

NOTE: if you believe publication of the notice will jeopardize your personal safety, you may ask the court to waive the publication requirement and seal the file by filing an Application to Waive Publication Requirement and Seal File. You must explain why the notice would jeopardize your safety. You can attach exhibits in support of the application.

C. Hearing

In order to receive the final, signed court order approving your name change, you must appear at the date and time listed on the Entry Setting Hearing. The hearing is typically scheduled to occur 45 to 90 days after the date you file your application.

If you will be late or will miss your court date, you must call the Clerk in advance.

What to take with you to Court:

- Copies of your name change application;
- Photo ID / proof of residency; and
- Proof of newspaper publication.

When you get to the Probate Court, you will usually wait in the assigned courtroom until your case is called. The Judge will then proceed with the hearing and will likely ask you questions related to you seeking a name change. Answer respectfully and truthfully.

The judge might ask *Why do you want to change your name?* An appropriate response would be “[New Name] is my preferred name.”

If you encounter a problem during the hearing, ask the judge for a continuance so you can consult with an attorney. If that happens, call Equitas Health.

² Ohio Revised Code § 2717.01(A)(2).

³ Ohio Revised Code § 2717.01(A)(2).

Once the Judge has approved an Entry for Name Change, you will receive certified copies of the Entry.

SPECIAL NOTE FOR MINORS

There are separate forms and additional requirements that minors and their parents/legal guardians must complete. For example, minors typically must have the **consent of both parents/legal guardians**, though there are special procedures if one parent/guardian is unknown or not present. Call the clerk of your county probate court to confirm all requirements.

We encourage minors and their parents/legal guardians to speak to an attorney before pursuing the name change of a transgender minor because special legal issues surround this decision.

* * *

After you have received your Court Order for a Name Change, you are ready to change your name with the Social Security Administration, the BMV, on your Passport, and with financial institutions.

II. CHANGING YOUR NAME AND GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

NOTE: You can change both your name and your gender marker at the same time.

A. Name Change

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (SSA).

To apply for a name change with SSA, you will need:

- 1) **Application for a Social Security Card** (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;
- 2) **Certified copy of the Court Order for Change of Name;**
- 3) **An unexpired identification document**, such as a driver's license, state-issued identity card, or U.S. Passport card (it is okay if your ID document includes your former name); and
- 4) **Proof of U.S. citizenship or lawful immigration status**, such as a U.S. passport, birth certificate, or immigration documentation.

You may mail-in your completed application to your local Social Security Administration Office or apply in person. Note that any documents you mail-in will be returned. You may find your nearest Social Security office here: <http://www.socialsecurity.gov/regions/>.

There is no fee to update your Social Security Records or receive a new Social Security Card.

You will receive a new Social Security card in the mail with your changed name and same number.

B. Gender Change

Although your gender is not listed on your Social Security Card, other government agencies look to your Social Security Records to verify your gender. For example, if your gender marker on your tax or employment records does not match your Social Security records, SSA may contact your employer to question the difference, thereby disclosing your transgender status. Changing your gender marker with SSA will help you avoid this situation.

To apply to change your gender on your Social Security record, you will need all of these items:

- 1) **Application for Social Security Card** (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;
- 2) **An unexpired identification document**, such as driver's license, state-issued identity card, or U.S. Passport card (it is okay if the document includes your former name); and
- 3) **Proof of U.S. citizenship or lawful immigration status**, such as a U.S. passport, birth certificate, or immigration documentation.
- 4) **At least one of the following documents as evidence of your gender change:**
 - **Passport:** A valid, 10-year U.S. passport with the updated gender marker (NOTE: passports with less than 10 years of validity will not be accepted); *or*
 - **Birth Certificate:** An original, state-issued birth certificate reflecting your updated gender marker; *or*
 - **Court Order:** An original court order directing legal recognition of change of gender; *or*
 - **Doctor Letter:** A signed letter on letterhead from your licensed doctor stating that you have had appropriate clinical treatment for gender transition and including the following language:

[DATE]

U.S. Social Security Administration

I, [physician's full name, physician's medical license or certificate number], issued by [U.S. State/Foreign Country], am the physician of [patient name], with whom I have a doctor/patient relationship and whom I have treated [or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated].

[Patient name] has had appropriate clinical treatment for gender transition to the new gender [female or male].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

[Signature]

Typed Name of Physician
Address
Telephone Number

You may mail-in your completed application to your local Social Security Administration Office or apply in person. Note that any documents you mail-in will be returned. You may find your nearest Social Security office here: <http://www.socialsecurity.gov/regions/>.

You will receive a new Social Security Card in the mail with the amended name in approximately two weeks and your Social Security account will reflect your preferred gender marker.

For the National Center for Transgender Equality's resource about the Social Security Administration, see http://www.transequality.org/sites/default/files/docs/kyr/SSAResource_June2013.pdf.

III. CHANGING YOUR NAME AND GENDER WITH THE OHIO BUREAU OF MOTOR VEHICLES (BMV)

This section is designed to walk you through the process of successfully updating your name and gender marker on your driver's license or state identification card from the Ohio Bureau of Motor Vehicles.

Note: if you are going to change both your name and your gender, it will save you money to change both at the same time.

A. Name Change

To update your legal name on your driver's license or Ohio ID card, you will need to take the following documents to your local BMV license agency:

- 1) **Your current driver's license or ID card; and**
- 2) **Certified copy of your Court Order for Name Change.**

The BMV should issue you a new license or ID card with your updated legal name.

If your driver's license has been expired for more than six months, or if you do not have a copy of your driver's license, see <http://bmv.ohio.gov/dl-renewal-current.aspx> for additional requirements.

At this time, you may also update your legal name on your voter registration.

B. Gender Marker Change

To update your gender marker on your driver's license or Ohio ID card, you will need to complete the following steps:

- 1) **Request a Declaration of Gender Change form.**

The Declaration of Gender Change form is not available online. You must request the form by calling the BMV Main Office at 614-752-7500. The BMV will then mail the form to the address on your license or ID card.

You must complete Part I of the form.

Part II must be completed by a physician, psychologist, or licensed therapist. The person completing Part II of the form must certify that, in their professional opinion, you are sufficiently ready for, or have completed a gender role transition, and it is intended this role change is to be permanent. No further evidence of your transition (such as medical records or a letter from a surgeon) is required.

Note: The person who completed Part II must mark whether your gender change is "complete" or "transitional." If gender identification is marked as transitional, a new form must be submitted for each driver's license/ID renewal until gender identification is marked as complete. If the form is not submitted at renewal, the gender marker will revert back to the original gender.

****Once the form is completed, make a copy for your records.**

- 2) **Mail or fax the completed Declaration of Gender form to the BMV.**

Mail or fax the completed form to:

Ohio Bureau of Motor Vehicles
Attn: License Control
P.O. Box 16784
Columbus, Ohio 43216-6784
Phone: 1-614-752-7500
Fax: 1-614-752-7987

In 7-10 days, you will be notified by letter if the gender change is approved, and you will receive documentation that may be presented to any local BMV license agency.

- 3) **Take the following documents to your local BMV license agency:**
- **Your current driver's license or ID card; and**
 - **Declaration of Gender Change approval letter.**

The BMV should issue you a new license or ID card with your updated gender marker. Be prepared to take a new photograph. Also, note that your old driver's license or ID card must be surrendered.

IV. CHANGING YOUR NAME & GENDER ON YOUR U.S. PASSPORT

This section is designed to walk you through the process of successfully updating your name and gender marker on your Passport. You can update the gender marker on your Passport at the same time or separately from when you update your legal name with the State Department.

This change can be made at either an earlier or later stage in the name/gender change process. If you have plans for international travel, you should prioritize this change and may want to consider completing this step earlier in the process. If you do not have a Passport and do not intend to travel internationally, you do not need to obtain a Passport.

A. Updating Your Legal Name on an Existing Valid Passport

When you already have a valid Passport, you may submit a Passport Renewal Application to change your legal name on the passport by mail. You will need to complete and submit:

- 1) **A Passport Renewal Application** (Form DS-82: <http://www.state.gov/documents/organization/212241.pdf>). Follow all written instructions as indicated in the application.
- 2) **Your most recent Passport** (book or card)
- 3) **A recent color photograph 2x2 inches in size.** See instructions to the application for further specific information and guidelines for your photo. It is important that your photo comply with these requirements, or your application may be rejected.
- 4) **Order for Name Change.** Certified copy showing a seal and officiate/judge signature.
- 5) **Fee.** See the Department of State fee schedule for costs, available here: <https://travel.state.gov/content/passports/en/passports/information/fees.html>.

B. Updating Your Legal Name and Gender Marker on an Existing Passport OR Getting a Passport for the First Time

If you are applying for a gender marker change, submitting a passport application for the first time, or applying for a passport when your old passport is expired, you must apply in person. To locate your

local Passport Acceptance Facility, please visit: <http://iafdb.travel.state.gov>. You will need to complete and submit:

- 1) **Application for U.S. Passport** (Form DS-11: <http://www.state.gov/documents/organization/212239.pdf>);
- 2) **Proof of U.S. Citizenship**, such as a previous U.S. Passport, certified birth certificate, Certificate of Naturalization, or Report of Birth Abroad;
- 3) **Proof of Identity** that contains your signature and photograph that is “a good likeness to you,” such as a previous passport, a driver’s license, a certificate of naturalization, military identification, a government employee identification card, etc.;
- 4) **A recent color photograph 2x2 inches in size.** See instructions to the application for further specific information and guidelines for your photo. It is important that your photo comply with these requirements, or your application may be rejected.
- 5) **Order for Name Change.** Certified copy showing a seal and officiate/judge signature.
- 6) **A letter from your Physician** confirming your gender transition (see below).
- 7) **Fee.** See the Department of State fee schedule for costs, available here: <https://travel.state.gov/content/passports/en/passports/information/fees.html>.

Model language for Physician’s letter used to update your gender marker on an existing passport:

[date]

To the United States Passport Agency
U.S. Department of State

I, [doctor’s name], Medical License No. [xxx] issued by the State of Ohio and DEA registration number [xxx], am the attending physician of [client name], with whom I have a doctor/patient relationship.

[where transition is complete:] [Client Name] has had appropriate clinical treatment for gender transition from [female/male] to [male/female].

[OR] [where transition is in process:] [Client Name] is in the process of gender transition to the new gender [female/male].

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Sincerely yours,

[doctor’s name & address]

Note: In order to have the passport issued in your new gender, you must submit a physician's letter with your application that validates whether your gender transition is **in process** or **complete**.

- Transition "Complete" - If a physician certifies that your transition is complete, you are eligible for a full validity ten-year passport. The signed original statement from the attending medical physician must be on office letterhead and include the information detailed in the model above.
- Transition "In Process" - If a physician certifies that your transition is in process, you are eligible for a limited validity two-year passport. The signed original statement from the attending medical physician must be on office letterhead and include the information in the model above. A limited passport book can be extended to the full ten-year validity book with no additional fee by submitting Form DS-5504 within two years of the passport issue date.

For the National Center for Transgender Equality's resource about passports, see http://www.transequality.org/sites/default/files/docs/kyr/passports_2014.pdf.

V. CHANGING YOUR NAME WITH THE SELECTIVE SERVICE

A. Female to Male (FTM) Individuals

If you were designated female at birth, you do not have to register with the Selective Service, even if you have had sexual reassignment surgery.⁴ However, if you are applying for federal financial aid, grants, loans, or other benefits as a male, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a Status Information Letter (SIL) from the Selective Service.

To request a SIL that shows you are exempt, you can either download a SIL request form (http://www.sss.gov/PDFs/SilForm_Instructions.pdf) or call them at 1-888-655-1825. The SIL request form requires female to male individuals to identify as such and attach a copy of a birth certificate showing the birth-assigned sex. If you have already amended the sex on your birth certificate, attach any proof you have to that affect. This service is free and the exemption letter you will receive does not specify why you are exempt so it will not force you to "out" yourself moving forward. Once you receive your SIL, keep it in your files.⁵

B. Male to Female (MTF) Individuals

If you were designated male at birth, you must register for the Selective Service if you are between the ages of 18 and 26, even if you have had sexual reassignment surgery. You may register online at <http://www.sss.gov/default.htm> or you may complete and mail a "mail-back" registration form available at any post office. In the unlikely event that the draft is resumed and you receive an order to report for examination or induction, you may file a claim for exemption from service.⁶

⁴ <http://www.sss.gov>.

⁵ Information taken from National Center for Transgender Equality article on Transgendered People and the Selective Service, http://transequality.org/Resources/Selective_Service_only.pdf

⁶ <http://www.sss.gov/>.

While you do not need to notify the Selective Service of a change in gender, you are obligated to inform them of a change in name. To notify the Selective Service of your name change you must fill out SSS Form 2 (technically a change of address form), available at your local post office. You must attach a certified copy of the court order changing your name.

VII. CHANGING YOUR NAME & GENDER WITH YOUR INSURANCE CARRIERS, CREDITORS, AND OTHERS

A. Insurance Concerns

You should inform your insurance companies (including health, property, auto, and life) immediately after you receive your court order for a name change. They may require that you submit a certified copy of your court order for a name change.

You should update your health insurance company about your name change but not necessarily a gender change. Note that it is important that your health insurance company's records match your doctor's records in order to avoid confusion and delay or a denial of claims. Your doctor may opt to continue to file claims reflecting your sex assigned at birth. If you update your gender with your doctor, you must also change your gender with your health insurance company.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to either your new or previous gender, contact Equitas Health for assistance.

B. Banks, Creditors, and Financial Institutions

You must inform your banks, any creditors, and financial institutions where you hold an account when you legally change your name. You will likely be asked to provide a certified copy of the court order.

You may wish to inform the credit bureaus (Equifax, Experian, and TransUnion) of your name change.

C. Other Legal Documents

After you receive a court order changing your name, we recommend that you change your name in any legal documents in which you are named. These include your lease, wills, powers of attorney, advanced health directive, deeds, etc., or such documents that name you as a party. Changing your name on these documents ensures that your rights and powers in the document remain intact.

Some clients may also want to change their name and/or gender marker in their education records, such as high school or college transcripts and diplomas.

D. Military Records

Veterans may wish to update their military records with their changed name or gender marker. To do so, follow the National Center for Transgender Equality's guide here: <http://www.transequality.org/know-your-rights/military-records>.

VIII. CHANGING YOUR NAME & GENDER ON NATURALIZATION/CITIZENSHIP DOCUMENTS

See separate appendix for assistance with name and gender marker changes on naturalization/citizenship documents.

IX. CHANGING NAME & GENDER ON A BIRTH CERTIFICATE

A. Birth Certificates Issued in Ohio

Name Change: Present a certified copy of the court order recognizing your change of name to the Registrar of Vital Records and request a new birth certificate.

Gender Change: Currently, Ohio does not permit anyone to change gender on a birth certificate. TransOhio is currently advocating for Ohio to permit gender marker changes on Ohio birth certificates.

B. Birth Certificate Issued in a State Other than Ohio

Name Change: Most states will allow you to change the name on the birth certificate upon presentation of a court order recognizing the name change. Some states will issue new birth certificates while others will issue an “amended” birth certificate which reflects the old and new names. Note that some states will NOT accept a court order from another state to change one’s name (e.g., Louisiana, which requires the client to file for a name change in Louisiana).

Gender Change: Most states will allow you to change the gender marker on the birth certificate upon presentation of a court order recognizing the gender change. Some states will issue new birth certificates while others will issue an “amended” birth certificate that reflects the previous and updated gender markers. Ohio, Idaho, and Tennessee will NOT change the gender marker on a birth certificate.

* * * * *

CLIENT TAKE AWAY FORM

Thank you for coming to the Name and Gender Change Legal Clinic! The Clinic is a joint program of Equitas Health and TransOhio, and provides free legal advice and services during regular evening walk-in clinics to help individuals navigate the name and gender change process.

Please understand that any information or advice given to you today by Equitas Health, TransOhio, or a volunteer attorney was based on the information you provided us, and please understand that we do not currently represent you and we are not your lawyer.

We hope that this Clinic was helpful to you and that everything goes smoothly for you as you move through the process to change your name and/or gender marker. If you should have any questions or issues, feel free to return to a future clinic and a volunteer attorney will assist you. Dates of future clinics can be found here: www.equitashealth.org/legalclinic.

PLEASE SEE THE NEXT PAGE OF THIS PACKET FOR INSTRUCTIONS FOR YOUR NEXT STEPS TO CHANGE YOUR NAME AND/OR GENDER MARKER ON YOUR IDENTITY DOCUMENTS

If you have any questions or problems, please don't hesitate to call Equitas Health at (614) 340-6729.

Equitas Health offers many services in addition to this Clinic, including:

- Pharmacy
- Medical (*Primary Care, Trans Health Care, PrEP/PEP Services, HIV Specialty Care*)
- Mental Health (*Psychiatry, Individual Therapy, Support Groups*)
- HIV Health Navigation Services (*Medical Case Management*)
- Dental
- Testing and Counseling (*HIV, Hepatitis C*)
- Harm Reduction Services (*Safe Point Needle Exchange*)

For more information about accessing any of the services above, contact Equitas Health's main number at (614) 299-2437.

Thank you and we wish you the best!

Name of client

Names of volunteer attorneys

Date

NEXT STEPS FOR CLIENT (modify and cross out as necessary):

File the Application for Change of Name with your Probate Court in person (can be online in Franklin County), with the following documents:

1. Completed Name Change Application (*see pp. 1-2*);
2. Valid identification in the form of a current driver's license, ID card, or passport;
3. Proof of Ohio residency for the past year (usually from valid ID);
4. Other required documents: _____; and
5. The filing fee. Amount of Filing Fee: \$_____.

County specific notes: _____

Publish Notice of the Name Change in your county newspaper (*see p. 2*)

County specific notes: _____

Return to the Probate Court for the scheduled Hearing (*see pp. 2-3*)

- Bring copies of your name change application, photo ID, and (if needed) proof of publication.
- The judge will likely ask a few questions.
- The Court will provide certified copies of the signed Entry for Change of Name. You should ask for at least 6 copies. You may have to pay a fee for additional copies.

Go to a Social Security Office (find the closest one here: <https://secure.ssa.gov/ICON/main.jsp>) with the following things to update your name (and gender) with SSA:

1. Application for Social Security Card (available at SSA office) that includes your changed name;
2. Certified copy of the Court Order for Change of Name;
3. An unexpired identification document, such as driver's license, state-issued identity card, or U.S. Passport (it is okay if your ID document includes your former name);
4. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation; and
5. The signed letter on letterhead from your licensed doctor (if doing gender change) (*see p. 5*)

Go to the Ohio Bureau of Motor Vehicles (*see pp. 5-6*) and bring the following documents:

1. Letter from BMV showing approval of your gender marker change (if applicable) – the approval letter will be mailed to your residence after you mail/fax the completed gender designation form signed by your doctor to the BMV;
2. A certified copy of your Court Order for a Name Change;
3. Your current driver's license or ID card (which you must surrender); and
4. Cash, check, money order, or credit card to pay fee for a new ID. Your fee amount is \$_____.

NOTES:
